



## **Plain Language Summary for Bill 41: *Justice Administration Statutes Amendment Act***

The Government of the Northwest Territories' Department of Justice has identified a number of issues in the statutes that it is responsible for that would benefit from relatively small and straightforward legislative amendments. To streamline and expedite the drafting and review process for all parties involved, the Department proposed an omnibus bill that will collectively advance the amendments. The changes being proposed address specific and relatively simple issues that can be dealt with by way of discrete amendments. The proposed bill will amend three Acts:

- *The Jury Act*
- *The Summary Conviction Procedures Act*
- *The Partnership and Business Names Act*

In summary, the proposed bill will amend the Acts as follows:

- *Jury Act*
  - The *Act* will be amended to ensure that territorial legislation regarding jury qualification standards match those of the *Criminal Code* as amended in 2019 (specifically as they relate to citizenship and past criminal convictions of potential jurors).
- *Summary Conviction Procedures Act*
  - Forms of Release – Amendments to the *Criminal Code* changed certain processes for releasing individuals on judicial interim release and compelling individuals to attend court when charged with offences. The *Summary Conviction Procedures Act* in the Northwest Territories sets out the process for compelling the attendance of persons who are charged with offences to court and the process to follow if a person fails to appear in court. The *Act* will be amended to ensure that the forms of release referenced in the territorial legislation are consistent with those in the *Criminal Code*.
  - Prosecution and Appeal – The *Act* will be amended to clarify that the statutory authority for the prosecution and appeal of territorial offences rests with the Attorney General of the Northwest Territories, along with the similar authority for municipal corporations with respect to offences created by municipal bylaws.

- Summary Offence Ticket Information – The *Act* will be amended to ensure that the legislation allows that a specified penalty set out in a Summary Offence Ticket Information can be paid and the accused person can be deemed convicted of the offence alleged in situations where a Summary Offence Ticket Information has not been sworn before a Justice, but the accused person wishes to plead guilty by paying the specified penalty. The purpose of this amendment is to allow for greater efficiencies in the payment and processing of specified penalties set out in Summary Offence Ticket information. The language will clarify that a Summary Offence Ticket Information need not be sworn before a Justice in order for the penalty to be paid.
- *Partnership and Business Names Act*
  - The *Act* will be amended to expand the definition of “person” to allow for First Nations constituted as Indian Bands under the federal *Indian Act* to be limited partners in a limited partnership for the purposes of the *Act*.

The Department engaged with NWT Indigenous leaders via correspondence requesting their feedback on the proposed amendments to the *Partnership and Business Names Act*. Otherwise, the proposed amendments are not anticipated to be controversial, and in fact are responding and providing solutions to existing issues or gaps that have been identified in the statutes. For this reason, broad consultation was not undertaken. The Department has shared the bill with the judiciary, NWT Law Society, and Canadian Bar Association.

For additional information or questions contact:

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